

REMARKS

In the Final Office Action¹, the Examiner rejected claims 1-3, 5-12, 14-19, 21-23, and 25-29 under 35 U.S.C. § 112, first paragraph; and rejected claims 1-3, 5-12, 14-19, 21-23, and 25-29 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,249,281 to Chen et al. ("*Chen*") in view of U.S. Patent Application Publication No. 2002/0022962 to Richardson ("*Richardson*").

Applicants have proposed to amend claim 1, 10, and 21. Upon entry of the amendment, claims 1-3, 5-12, 14-19, 21-23, and 25-29 remain pending in this application.

Regarding the rejection of claims 1-3, 5-12, 14-19, 21-23, and 25-29 under 35 U.S.C. § 112, first paragraph, the Examiner states that the Specification does not support "the following limitation, 'the publication period indicating a period during which said presentation materials are stored in the presentation material publishing server.'"(Office Action at page 2).

Applicants previously amended claim 1 to recite "the publication period indicating a period during which said presentation materials are available for downloading from the presentation material publishing server" (Reply filed December 20, 2006). Moreover, the Examiner states, "Applicant's amendment with respect to 35 U.S.C. § 112, first paragraph, has been considered and the Examiner has withdrawn the rejection" (Office Action at page 8). Therefore, Applicants respectfully request withdrawal of the rejection of claims 1-3, 5-12, 14-19, 21-23, and 25-29 under 35 U.S.C. § 112, first paragraph.

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

Applicants respectfully traverse the rejection of claims 1-3, 5-12, 14-19, 21-23, and 25-29 under 35 U.S.C. § 103(a). The prior art cited by the Examiner, *Chen* and *Richardson*, does not teach or suggest each and every element of claims 1-3, 5-12, 14-19, 21-23, and 25-29. A *prima facie* case of obviousness has, therefore, not been established.

Claim 1 recites presentation material publishing system comprising:

- a presenter;
- a reader;
- a presentation material publishing server for storing public information and presentation materials and permitting access to said public information, wherein said public information contains at least a publication period of said presentation materials, the publication period indicating a period during which said presentation materials are available for downloading from the presentation material publishing server; and

- ...
- wherein the publication period is selected from a plurality of different initial publication periods.

(emphasis added). *Chen* discloses one or more presentation servers 110 that communicate with one or more clients 130-135 (col. 2, lines 44-46). “[A] searchable database is maintained on the presentation server(s) 110” (col. 5, lines 22-24). The Examiner states that *Chen* “does not specifically teach a ‘publication period’ representing the period by which the presentation materials are active for downloading by the reader” (Office Action at pages 6-7). The Examiner cites *Richardson* to disclose the publication period in claim 1. Applicants respectfully disagree.

Richardson discloses a “memorial site [that] may be deactivated after the predetermined time period in the absence of payment” (Paragraph 0025). “The software that supports or controls the memorial site preferably includes instructions that cause the memorial site to become deactivated (e.g., no longer viewable on-line) after a

predetermined period of time” (Paragraph 0075). The system in *Richardson* allows a user to “view the memorial site, preferably by first going to the funeral home’s web site, then activating a hyperlink to move to the memorial site portion of the funeral home’s web site or a web site that is linked to the funeral home’s web site” (Paragraph 0075).

The memorial site allows a user to view a posting on the site’s web page for a predetermined period of time based on user payment (Paragraph 0074). The viewing in *Richardson* does not constitute the claimed “downloading.” *Richardson* does not teach or suggest “downloading.” On the contrary, *Richardson* only discloses viewing a posting on a web site. Therefore, *Richardson* does not teach or suggest the claimed combination of elements, including, for example, a “publication period indicating a period during which said presentation materials are available for downloading from the presentation material publishing server,” as recited in claim 1.

In the response to arguments, the Examiner asserts, “Chen teaches various methods of presenting the presentation materials, including downloading (see for example column 4, lines 45-48)” (Office Action at page 8). This passage of *Chen* discloses an on-demand presentation that is stored “on presentation server(s) 110, where it may be downloaded/streamed to other users.”

While Applicants agree that *Chen* discloses the ability to download a presentation, claim 1 requires “a publication period” which indicates “a period during which said presentation materials are available for downloading.” The mere fact that *Chen* discloses the ability to download information and *Richardson* discloses a memorial site with a publication period, as asserted by the Examiner, does not render claim 1 obvious. Any downloading that may occur in *Chen* occurs absent the claimed

publication period. Moreover, any publication period in *Richardson* does not include the ability to download information.

The Examiner appears to conclude that because *Chen* discloses downloading absent a publication period and *Richardson* appears to disclose a publication period absent downloading capabilities, it would have been obvious to include the downloading ability in *Chen* with the memorial site in *Richardson*. The Examiner's position is without merit.

There is no teaching or suggestion in the prior art of downloading material during a "publication period." As stated in *Chen*, downloading information is known. However, downloading information during a "publication period" is not taught or suggested by *Chen*, as correctly stated by the Examiner (Office Action at pages 6-7). Moreover, even assuming that a "publication period" is disclosed in *Richardson*, which Applicants do not concede, *Richardson* is silent regarding the ability of a user to download information during this period.

Even assuming that the combination of *Chen* and *Richardson* is proper, which Applicants do not concede, claim 1 further recites "wherein the publication period is selected from a plurality of different initial publication periods." In *Richardson*, the memorial site is posted on a funeral home website "for a first predetermined time period." Any "publication period" that may exist in *Richardson* is not selected from different initial publication periods. On the contrary, it is set as a "first predetermined time period." Therefore, *Richardson* does not teach or suggest "wherein the publication period is selected from a plurality of different initial publication periods," as further recited in claim 1.

Accordingly, *Chen* and *Richardson* fail to establish a *prima facie* case of obviousness with respect to claim 1, at least because the references fail to teach each and every element of the claim. Claims 2, 3, and 5-9 depend from claim 1 and are thus also allowable over *Chen* in view of *Richardson*, for at least the same reasons as claim 1.

Independent claims 10 and 21 and dependent claims 11, 12, 14-19, 22, 23, and 25-29, while of different scope than claim 1, are allowable over *Chen* in view of *Richardson* for at least the same reasons discussed above in regard to claim 1.

Applicants respectfully request that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 1-3, 5-12, 14-19, 21-23, and 25-29 in condition for allowance. This Amendment should allow for immediate action by the Examiner.

Furthermore, Applicants respectfully point out that the final action by the Examiner presented some new arguments against Applicants' invention. It is respectfully submitted that the entering of the Amendment would allow the Applicants to reply to the final rejections and place the application in condition for allowance.

Finally, Applicants submit that the entry of the amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration of the application and withdrawal of the rejections. Pending claims 1-3, 5-12, 14-19, 21-23, and 25-29 are in condition for allowance, and Applicants request a favorable action.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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